

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
Wednesday, July 14, 2004**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, July 14, 2004, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 N. Boundary Street.

CALL TO ORDER, ATTENDANCE, and ELECTION OF OFFICERS

First Vice Chairman Pons called the meeting to order in Chairman Young's absence.

Present at the meeting in addition to Mr. Pons were Commissioners Hertzler, Rose, Friend, McBeth and Smith. Absent was Commissioner Young. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

MINUTES

Mrs. McBeth moved that the minutes of the June 16 regular meeting and June 21 work session be approved as submitted. The motion was seconded by Mr. Friend and carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose, Smith
No:	None
Absent:	Young

CONSENT AGENDA –none

PUBLIC HEARINGS

PCR #04-013: Request of Temple Beth-El for a special use permit to convert 106 Indian Springs Road from a single family dwelling to classroom use in conjunction with the Temple building at 600 Jamestown Road. The property is zoned RS-2 Single Family Dwelling District. The Commission recommended denial by a vote of 5-0-1.

Planning Director Nester reviewed the memorandum dated July 7, 2004 in which he noted that the special use permit, if approved, would be only for the use of the building for classrooms in conjunction with the use of the adjacent Temple building. If the use of the property by Temple Beth El ceased, the building could only be used for single family use unless another special use permit was approved by City Council. Among the reasons staff recommends approval of the special use permit, are that the conversion to classrooms would not require additional off-street parking, the minimal exterior changes that are being made to the building will preserve its residential character, and the

proposal's limited size and scope, which should not adversely affect the adjacent Indian Springs neighborhood.

Vice-Chairman Pons invited the applicant to comment.

Ann Kahn, member and representative of Temple Beth El, stated that the Temple had a neighborhood meeting in April with very good attendance and response. The plan would provide for 45 children from pre-kindergarten to 13 year of age. She said they have hired a landscape artist and will be replacing a number of plantings.

Commission members raised the following points:

- If this proposal is not approved, would it continue to be used as a rental? Mrs. Kahn responded that they could continue the student rental however; they would still have the problem of where to put 45 children. The current rental agreement expires in December and the proposed change would not be pursued until the fall.
- Has consideration been given to expanding the use of the building during the times it will not be in use for classrooms? Mrs. Kohn said it has not been discussed, but could be if the neighbors are concerned about it.

The public hearing was opened.

Stewart Goddin, 715 Goodwin Street, stated that the Temple has been a good neighbor over the years. He said he's okay with the proposal over the short-term but has concerns regarding the long-term encroachment of commercial or non-residential use into this very fragile neighborhood which is only one block off Jamestown Road. He stated that a day-care center could be established during the week and preservation of residential neighborhoods should be of the highest priority. Mr. Nester clarified that a day-care center in the same building as a church would require a separate special use permit.

Suzanne Dell, 322 Indian Springs Road, reiterated Mr. Goddin's comments and added that all you need to do is find a precedent-setting case and you can do anything in this city. She suggested the area needs to be fenced and wants responsible landlords. They need to clean up the property as was requested at the April resident's meeting. Mrs. Dell noted previous church properties that now are rental units with noise, partying, and cars. Adjacent property owners are elderly and want their neighborhood quiet as in the past. As boards change, so do the rules and regulations. We have rights too and would like to have further assurances that future boards will respect the rules and regulations as stipulated. Mrs. Dell concluded her comments by saying there is a house under renovation on Chandler Court with eight bedrooms and four baths. She said we can't get single-family homes back once they are allowed to be commercial and asked that the Board support the permanent assets of the City of Williamsburg.

Mrs. Kahn stated that there would be no additional traffic since the children would be dropped off at the main synagogue. Regarding the need for a fence, she responded

that they plan to renovate the whole yard at one time and there will be a much better looking fence as part of that renovation.

There being no additional comment the public hearing was closed.

Commission comments:

- How could the site be used during the week? Day care would require an additional special use permit, but outside groups could use the facility for meetings.
- How many other homes could be impacted in the future with the approval of this special use permit? Any home in the RS-2 zoning district could apply for the special use permit with parking requirements being one of the first items to be reviewed and would be considered on a case-by-case basis.
- Possible to tie conditions to a special use permit, such as moving up the schedule for renovation and yard clean up? This could be a provision of the approval in addition to revoking the special use permit if the standards aren't met.
- What will the parking arrangements be if outside groups use the facility? If the interior of the home is converted for this new use, will conversion back to a single-family residence be feasible? Are there other options---could expansion be accomplished by going up or out on the current lot? Is the landscaping being delayed pending funding?

Vice-Chairman Pons reopened the public hearing.

Bill Dell, 322 Indian Springs Road, stated that he is concerned about the property at 101 Chandler Court where renovation is taking place and there are seven bedrooms, possibly eight, with a "house mother suite" downstairs. He said it appears to be a house for multiple students.

Stewart Goddin returned to the podium and reiterated that the church is available Monday through Saturday, the church could rent out the facility to raise money, and parking could become a major issue. If renovation is encouraged, neighbors need to be assured that the college will not come in and claim "eminent domain."

Mr. Hertzler moved that the Planning Commission recommend to City Council that the special use permit be denied. Mrs. Smith seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Hertzler, McBeth, Pons, Rose, Smith
No:	None
Abstain:	Friend
Absent:	Young

OPEN FORUM

Vice-Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

Nanci Bond, 416 Suri Drive, came to the podium to ask that the Commission consider a master plan when reviewing proposals for the Capitol Landing Road area. She cited pages 14 and 32 in the Comprehensive Plan where it states that there should be special standards for this prominent entrance corridor where there is a large amount of land to be developed and redeveloped.

There being no additional comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS

SPR #04-008: Hampton Inn, 911 Capitol Landing Road – 109 room hotel. The Commission approved the site plan with conditions by a vote of 6-0.

Zoning Administrator Murphy reviewed the four-story hotel site plan. She noted that Steve Romeo from LandMark Design Group was present to answer any questions the Commission might have. Mrs. Murphy said the proposed hotel will be located on the vacant parcel between 907 Capitol Landing Road, which contains two dwelling units, and Woods Drive/Colonel Waller Motel at 917 Capitol Landing Road. She stated that City Council held a public hearing on June 10 on a request to relocate Woods Drive in order for the applicant to meet the fifteen-foot landscape requirement between the parking area and Woods Drive. City Council heard the request and referred it to Planning Commission to look at the two options proposed and to recommend the preferred option to City Council.

Mr. Friend moved that Planning Commission recommend that the site plan be approved with the following conditions:

1. Incorporation of Option 2 for Woods Drive, which provides landscaping on both sides as requested by the residents of Woods Drive. Also included is approval of the widening of Woods Drive to 20 feet if the additional two feet can be obtained by reducing the width of the entrance canopy. Option 2 approves the landscape waivers and the waiver to the drive aisle width for Colonel Waller Motel. This is also subject to City Council approval of the modifications to Woods Drive.
2. Completion of the following prior to the issuance of any land disturbing or building permits for the project:
 - a. Obtaining a VPDES permit from Department of Environmental Quality.
 - b. Approval of plans and recordation of easements for the off-site drainage improvements.
 - c. Purchasing water quality credits from Haynes Pond in the amount

- of \$11,850.00.
- d. Approval and recordation of a stormwater management agreement.
- e. Recordation of easements for Virginia Power and C&P.
- 3. Issuance of right-of-way and land disturbing permits, and associated bonds, prior to the issuance of any building permits for the site.
- 4. Correction of minor engineering details as noted by City staff.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Hertzler, McBeth, Pons, Rose, Smith, Friend
No: None
Absent: Young

SPR #04-017: Holly Hills Professional Park, 200 Brookwood Drive – four 10,000 square foot office buildings. The Commission approved the site plan and waivers with conditions by a vote of 6-0.

Zoning Administrator Murphy reviewed the site plan and noted that there are two waivers from Section 21-782 of the Zoning Ordinance requested. Steve Romeo from LandMark Design Group is present to respond to any questions.

Mr. Hertzler asked for clarification regarding safety of the fence on top of the retaining wall and Mr. Romeo responded that the fence will comply with all the requirements of the building code, which has very specific requirements.

Mr. Hertzler moved that the site plan be approved with the requested slope waivers contingent upon the following:

1. Completion of the following prior to the issuance of any land disturbing or building permits for the project:
 - a. Obtaining Architectural Review Board approval for the gazebo and fencing on the retaining wall.
 - b. Obtaining a VPDES permit from the Department of Environmental Quality.
2. Certification by an engineer that the site improvements have been inspected and certified as being properly constructed prior to the issuance of any certificate of occupancy.
3. Obtaining permission from VDOT to plant the proposed landscaping material along Route 199 in the VDOT right-of-way; or relocating the plant material on the applicant's property.
4. Provide an easement agreement and plat for the water system improvement prior to the issuance of any certificate of occupancy.
5. Correction of minor engineering details as noted by City staff.

Mr. Friend seconded the motion which carried by roll call vote of 6-0.

Williamsburg Planning Commission Minutes
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Recorded vote on the motion:

Aye: Hertzler, McBeth, Pons, Rose, Smith
No: None
Abstain: Friend
Absent: Young

OLD BUSINESS - None

NEW BUSINESS-None

OTHER

Committee Appointments

- | | |
|------------------------------|--|
| • Architectural Review Board | The Commission will recommend to City Council that Joe Hertzler serve on the ARB |
| • Regional Issues Committee | Doug Pons |
| • Site Plan Review | Marc Rose |

INFORMATION ITEMS

Commission members received the following reports:

Report from City Council
Planning Department Monthly Report
Monthly Financial Statement

INTRODUCTION OF NEW MEMBER

Vice-Chairman Pons introduced the newest member of the Commission, Marc Rose who will be filling Paul Freiling's unexpired term. The Commission welcomed Mr. Rose.

PUBLIC HEARINGS SCHEDULED FOR AUGUST 18, 2004

PCR #04-015: Request of Yankee Candle for a special use permit for a retail store with a gross floor area exceeding 50,000 sq. ft. at 2200 Richmond Road (Williamsburg Motor Court site). The property is zoned B-2 Tourist Business District. It is proposed to construct a 65,000 sq. ft. Yankee Candle store (45,000 sq. ft. retail space, 20,000 sq. ft. office and storage space), with three adjoining restaurants to be constructed at a later date.

The meeting adjourned at 4:35 p.m.

Doug Pons, 1st Vice-Chairman
Williamsburg Planning Commission